

### ***REMARKS***

Reconsideration of this application and entry of the foregoing amendments are respectfully requested.

Applicants wish to thank Examiner Yu for the telephone interviews of April 29, 2005 and June 14, 2005. Applicants also wish to thank Examiner Yu for withdrawing all previous rejections and allowing claims 4, 5, 8-10, 25-29, 31-33, 35, 37, 38, 48 and 49.

Upon entry of the foregoing amendments, claims 2, 4-10, 12-13, 25-29, 31-33, 35, 37-39, 41-42, 44-52, 54-56 and 58-60 are pending in the application, with claims 2, 4, 8, 27, 39, 46, 48 and 54 being the independent claims and claims 2, 39, 46 and 54 being amended. These changes are believed to introduce no new matter; their entry is respectfully requested.

As discussed with the Examiner during the April 29, 2005 telephone interview, the specification has been amended to include a priority statement, and a supplementary sequence listing incorporating the sequence of Figure 4 (SEQ ID NO:9) is submitted herewith. Applicants accordingly believe that the rejection under the Sequence Rules in the June 7, 2005 Office Action has been obviated by this submission. Applicants further wish to direct the Examiner to Applicants' April 4, 2004 Amendment and Reply for the amendments to Figures 2 and 5.

### ***Objections to the Claims***

In the June 14, 2005 telephonic interview with the Examiner, the Examiner clarified that claims 6, 7 and 47 were objected to because they depend from a rejected base claim. Applicants believe the above amendment and remarks obviate the rejections to the independent claims. Accordingly, withdrawal of the objection to claims 6, 7 and 47 is respectfully requested.

### ***Sequence Rules***

The Office has stated that the above-captioned application fails to comply with the requirements of 37 CFR 1.821 through 1.825. A substitute Sequence Listing for the above-

application is attached hereto that includes the sequence found in Figure 4. Applicants' Attorney hereby states that the change made in the sequence listing does not include new matter. Support for this amendment is found, *inter alia*, in Figure 4.

In accordance with 37 C.F.R. § 1.825(b), the paper copy of the Sequence Listing and the computer readable copy of the Sequence Listing submitted herewith are the same.

***Rejection Under 35 U.S.C. § 112, first and second paragraphs***

The rejection of claims 2, 12, 13, 39-46, 51, 52, 54-56 and 58-60 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite is respectfully traversed. Specifically, claims 2, 39, 46 and 54 have been rejected for insufficient antecedent basis in view of the use of "said nucleic acid sequence" in lines 4 and 6, respectively. As suggested by the Examiner, this terminology has been replaced with "said probe or primer," thereby obviating the rejection of claims 2, 39, 46 and 54 and their dependent claims.

The rejection of claims 2, 12, 13, 39-46, 51, 52, 54-56 and 58-60 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement is respectfully traversed. The Examiner alleges that the functional language in "(d)" of claims 2, 39, 46 and 54 is not described in the application as filed. As suggested by the Examiner, and solely in order to expedite prosecution of the above-identified application, the functional language in "(d)" of independent claims 2, 39, 46 and 54 has been deleted, thereby obviating the rejection of these claims and their dependent claims.

In view of the above, withdrawal of the rejection of claims 2, 12, 13, 39-46, 51, 52, 54-56 and 58-60 under 35 U.S.C. § 112, first and second paragraphs, is respectfully requested.

**CONCLUSION**

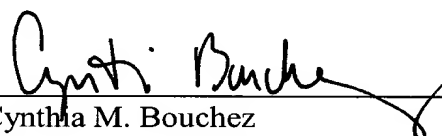
The above amendments to the specification and claims are expected to bring the application in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

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Date: June 15, 2005

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